

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

3 EUMI L. CHOI (WVSBN 0722)
Chief, Criminal Division

4 GREGG W. LOWDER (CSBN 107864)
Assistant United States Attorney

6 450 Golden Gate Avenue, Box 36055
7 San Francisco, California 94102
Telephone: (415) 436-6960
Fax: (415) 436-7044

8 Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,)
13 Plaintiff,)
14 v.)
15 PHILLIP JIUNTI,)
16 Defendant.)
17 _____)
No. CR 06-0115 WHA
**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME FROM
FEBRUARY 15, 2006 THROUGH
APRIL 4, 2006 FROM CALCULATIONS
UNDER THE SPEEDY TRIAL ACT (18
U.S.C. § 3161)**

On February 15, 2006, the defendant appeared for initial appearance before this Court.

19 Josh Cohen, Assistant Federal Public Defender, represented the defendant. The United States
20 was represented by Assistant United States Gregg W. Lowder.

21 The Court continued the matter to April 4, 2006 @ 2:00 p.m. for hearings on the defense
22 pretrial motions. The defense pretrial motions shall be filed on March 7, 2006; the government's
23 opposition shall be filed March 21, 2006; the defendant's reply shall be filed on March 28; and
24 an April 4 hearing is set for arguments on the motions. The Court also sets the date of March 7,
25 2006 @ 2:00 p.m. as a status conference/change of plea date.

26 The parties agree and seek to exclude time from calculations under the Speedy Trial Act,
27 18 U.S.C. § 3161, from February 15, 2006 through April 4, 2006 for effective preparation of the
28 counsel in preparing and filing the above motion papers, for continuity of counsel due to

1 government counsel's unavailability to work on this case from February 20 through February 24,
2 2006, and due to the pendency of motions from March 7 through April 4, 2006. The parties
3 request the Court find and order that the time from February 15, 2006 through April 4, 2006 be
4 excluded from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the following
5 reasons:

6 1. The attorney for the defendant requests the Court order time excluded time under the
7 Speedy Trial Act in order to allow time to effectively prepare the defense of this case in
8 light of the motions that need to be prepared for filing on March 7, 2006; agrees that the
9 time should be excluded for February 20 through 24, 2006 due to unavailability of
10 government counsel; and requests that time be excluded from March 7, 2007 through
11 April 4, 2006, due to the pendency of pretrial motions. The attorney for the defendant
12 agrees that the exclusion of time from February 15, 2006 through April 4, 2006 is
13 appropriate under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(F) & (h)(8)(B)(iv);
14 2. The defendant joins in the request to exclude time from February 15, 2006 through
15 April 4, 2006 for the reasons stated above; and
16 3. The attorney for the government requests that time be excluded due to unavailability
17 of government counsel from February 20 through 24, 2006, since he is scheduled to be
18 out of state on business, and agrees that, due to the need for effective preparation of
19 motion papers and the pendency of motions, time should be excluded under the Speedy
20 Trial Act, 18 U.S.C. § 3161(h)(1)(F) & (8)(B)(iv) from February 15, 2006 through April
21 4, 2006.

22 Given these circumstances, the Court finds that the ends of justice served by excluding
23 from calculations the time period from February 15, 2006 through April 4, 2006, outweigh the
24 best interests of the public and the defendant in a speedy trial, pursuant to the Speedy Trial Act,

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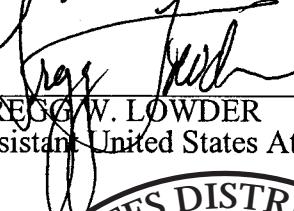
1 18 U.S.C. § 3161(h)(1)(F) & (8)(B)(iv), and orders that the time from February 15, 2006 through
2 April 4, 2006 is excluded from calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

3 **SO STIPULATED:**

4 DATED: 2/10/06


JOSH COHEN
Attorney for Defendant

5 DATED: 2/15/06


GREGG W. LOWDER
Assistant United States Attorney

6
7 **IT IS SO ORDERED.**

8 DATED: March 1, 2006

